

File Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
Date of Report 1-24-94	<input type="checkbox"/> Form Used For Additional Public Information <input checked="" type="checkbox"/> Form Used For Investigative Supplement	

On Thursday January 20, 1994 at approximately 6:40 pm Larry Kinley was interviewed by Sgt. E. Roberts and Det. J. Williamson of the Fairfield P.D. The interview was conducted at the Mt. Healthy police station.

Det. Tiernan and Det. Pennett called Fairfield P.D. and spoke with myself and then Sgt. Roberts. They requested we meet them at them at the Mt. Healthy police department to assist with the interviews of Larry Kinley and Lee Moore. Sgt. Roberts and I arrived at approximately 6:30 pm at the Mt. Healthy P.D. After a brief conversation between the four of us Sgt. Roberts and I entered an office occupied by Larry Kinley. We introduced ourselves and advised Kinley of the Miranda warning. He was given a copy of Miranda to read as it was read to him. He was asked if he understood his rights as they had been told to him and he stated he understood. He was asked if he could read and write and he stated he could. He was then asked to sign the Miranda warning. Sgt. Roberts told Kinley that we were investigating the disappearance of Melvin Olinger. He was told that Olingers credit card had been used recently and we had several witnesses that could identify the subjects that had used the card. Kinley was told that we had a witness that had seen two subjects getting into a car that matched the description of Melvin Olingers missing vehicle. He was told that the witness had written down the license number and that license number belonged to Lee Moore. We told him the purchases on the credit card were made on Saturday the 15th. at Northgate and Tri-County. Kinley stated he was not there on Saturday but was there on Sunday with his aunt and cousins. He

S-Suspect W-Witness	Code Number/Description	Sex	Race	Age/D.O.B.	Height	Weight	Hair	Eyes	
	Address	Social Security No.		Home Phone		Other Phone			
Case Status		If Case Cleared, How Cleared		Directed To		Refused To		Station	Other
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Except.		<input type="checkbox"/> Arrest <input type="checkbox"/> Prosecution		<input type="checkbox"/> Prosecution		<input type="checkbox"/> Station Adjustment		<input type="checkbox"/> Other Except.	
S/NICIC Number		Sent Date	Time	Cancel Date	Time	Operator		Evidence	Continued
Officer's Signature		Unit No.		Supervisor Approving		Unit No.		Event Number	

RECORDS COPY

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Report Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
Date of Report 1-24-94	Form Used For <input type="checkbox"/> Additional Public Information <input checked="" type="checkbox"/> Investigative Supplement	

ted that he had seen Lee Moore in a blue car recently but Lee told him that he got the car from a dope fiend. He said he didn't believe Lee but didn't ask any other questions about the car. We asked when was the last time he had seen Lee in the car and he could not remember. He said not today or yesterday. We then showed Kinley a composite of himself and said that a clerk had described him as being at J.C. Pennys on Saturday. He then stated that he was there with Lee Moore while Moore bought some jewelry and clothing. He stated he believed that Moore was using his own credit card. We then asked Kinley to write Olinger's name several times on a piece of paper. After he did so we told him we didn't believe he had used the credit card but we wanted to know what Lee Moore had told him about how he got the card. Kinley asked us if Lee Moore would find out what he was saying. Kinley then stated we should talk to Jason. We stated we would talk to Jason but we would like to know everything that he knew about the credit card, the blue car, and the disappearance of Melvin Olinger. Sgt. Roberts then showed a picture of Melvin Olinger to Larry Kinley. Kinley asked us if our conversation was going to be repeated to Lee Moore. He stated that he was afraid of Moore and would not want to face him in court. We advised him that we only wanted to get the truth and that we would interview Moore just as we had him. He then stated that he was with Moore when he had bought jewelry and clothing on Saturday. He stated that Lee was wearing some of the jewelry and clothing at this time. He stated that he didn't get anything for himself from the use of the credit card. He stated

S. Suspect W. Witness	Code/Name/Clothing Description		Sex	Race	Age/D.O.B.	Height	Weight	Hair	Eyes		
	Address		Social Security No.		Home Phone		Other Phone				
Case Status			If Case Cleared, How Cleared			Refused To Prosecute		Station Adjustment		Other Excep.	
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Excp.			<input type="checkbox"/> Arrest <input type="checkbox"/> Directed To Prosecutor			<input type="checkbox"/> Refused To Prosecute		<input type="checkbox"/> Station Adjustment		<input type="checkbox"/> Other Excep.	
LEADS/NCIC Number			Sent Date	Time	Cancel Date	Time	Operator	Evidence	Continued		
Signature			Unit No.	Supervisor Approving				Unit No.			

Report Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
date of Report 1-24-94	Form Used For Additional Public Information <input type="checkbox"/>	Form Used For Investigative Supplement <input checked="" type="checkbox"/>

Lee had picked him up Saturday and had him go with him to Northgate and to Tri-County. Kinley was asked where the blue car was now. He stated that Moore had maybe taken it and dumped it into the river because he had not seen it and everybody knew Moore had stolen it. We then told Kinley that we were sure that Olinger was dead and that he should tell us where we could find the body. Kinley again asked if Moore was going to know that he had talked about any of this and we stated we would only interview Moore as we had him. Kinley then stated that Moore had shot Olinger and killed him. He again stated that we should talk to Jason and find out the rest. We stated that he should tell us everything that he knows about the shooting. He stated that he didn't want to get Jason into trouble, but he felt he needed to "save his own black ass." Kinley stated that he was at his aunts, where he had been staying, on the 14th. Jason came into the apartment and said Lee was outside and wanted him to go with him. He stated he went outside and Moore had him get in a blue car. Moore told him he had a guy in the trunk and needed to find a "place". I asked him what Moore meant when he said he needed a place and Kinley replied a place to shoot him. I then asked him how did he know that was what Moore was intending to do. He replied he was holding the gun on his lap and we had talked about doing this before. I asked him what had they talked about and he stated they talked about killing a dude, "you know, getting juiced". I asked him if that was why Moore had picked him up so he could do the shooting. Kinley replied that he had said he would do it but Moore never asked him he just went ahead

Suspect S. W. Wilson	Code Name/Clothing Description		Sex	Race	Age/M.O.B.	Height	Weight	Hair	Eyes
	Address		Social Security No.		Home Phone		Other Phone		
Case Status			If Case Cleared, How Cleared						
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Excp.			<input type="checkbox"/> Arrest <input type="checkbox"/> Directed To Prosecutor <input type="checkbox"/> Refused To Prosecute <input type="checkbox"/> Station Adjustment <input type="checkbox"/> Other Excep.						
LEADS/NCIC Number		Sent Date	Time	Cancel Date	Time	Operator	Evidence	Continued	Extend Number
							<input type="checkbox"/>	<input type="checkbox"/>	
Signature 			Unit No. 47	Supervisor Approving			Unit No.		

Report Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
Date of Report 1-24-94	Time Form Used For Additional Public Information <input type="checkbox"/> Form Used For Investigative Supplement <input checked="" type="checkbox"/>	

shot him himself. Kinley was asked where the shooting had taken place. He stated he wasn't really sure. He thought it was some place by some train tracks and a big painting on a wall. He then stated that we should talk to Jason. I asked Kinley if that was really all that happened or would I get a different story from Lee Moore. I told him to tell it all now so we can clear it up. He then stated that Jason and Lee had gone to the Hamilton area to do a car jacking. They picked that area because it was out of the way. They did not find anything they wanted in Hamilton so they drove to Fairfield and parked Moore's Fairmont at Patterson Blvd. and Pleasant Ave. This was at about 7:30 pm or 8:00 pm. They saw a blue Ford Taurus turn west on Patterson Blvd. The car had Michigan license plates on it. Jason and Lee thought this would be a good one to hit since the vehicle was from out of state. They followed the vehicle and watched the operator park and go into the lounge. They waited until about 9:00 pm when Melvin Olinger came out of the bar and approached his car. Lee Moore told Jason to drive back to the apartment. Moore approached Olinger with a chrome plated .357 cal. revolver and ordered him into his Taurus. Olinger offered him his money, wallet, and car. Olinger asked Moore not to hurt him since his mother was ill and needed him. They drove from the parking lot south on Rt. 127. At some point between Fairfield and Compton Groves Apartments Moore placed Olinger in the trunk of the vehicle. He told Olinger he would kill him if he made any noise.

Jason had arrived at the apartment before Moore and told Kinley that Moore

Suspect W- Witness	Code	Name/Clothing Description	Sex	Race	Age/D.O.B.	Height	Weight	Hair	Eyes			
	Address		Social Security No.		Home Phone	Other Phone						
Case Status			If Case Cleared, How Cleared			Refused To Prosecute		Station Adjustment		Other Excep.		
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Except.			<input type="checkbox"/> Arrest <input type="checkbox"/> Directed To Prosecutor			<input type="checkbox"/> Operator		<input type="checkbox"/> Evidence		<input type="checkbox"/> Continued		
LEADS/NCIC Number			Sent Date		Time		Cancel Date		Time		Unit No.	
Signature			Unit No.		Supervisor Approving		Unit No.					

Report Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
Date of Report 4-94	Form Used For <input type="checkbox"/> Additional Public Information <input checked="" type="checkbox"/> Form Used For Investigative Supplement	

on his way with a guy and he would have him in the trunk. Kinley was asked if this suprised him and he stated no. They had discussed finding someone to kill prior to this event. He stated he had boasted that he could kill someone if he had the chance and he figured this was going to be it. He stated that even though Moore didn't ask him if he wanted to do the shooting he doesn't know if he would or not. He stated it would be a way to gain some respect. He also stated that if he refused to shoot he would have been thought of as a "punk". When Moore arrived Kinley met him in the parking lot. Moore told him he had one in the trunk. He then told Kinley to take the Michigan license plates off of the Tarus and throw them in the dumpster. He then told Kinley to take his rear license plate off of his Fairmont and put it on the Tarus. Moore and Kinley then began driving and searching for a place to kill nger. Kinley stated he couldn't think of any good places. Moore then drove them to 3366 Llewellyn in Cincinnati. Kinley stated that Moore turned the car around and backed the rear of it up near a dumpster and a building. He got out and unlocked the trunk. Kinley got out of the car and got the keys from Moore. Moore Held the trunk lid down while handing the keys to Kinley. Kinley got back into the car. Moore ordered Olinger out of the trunk and demanded all of his money and his wallet. He then told Olinger to walk between the dumpster and the building. Kinley heard Moore tell Olinger to turn around and he then heard a single gun-shot. Kinley stated he could not see anything since the trunk lid was up. Moore returned to the car and closed the trunk. He got into

Suspect S.W. Witness	Code: Name/Clothing Description		Sex	Race	Age/D.O.B.	Height	Weight	Hair	Eyes
	Address		Social Security No.		Home Phone		Other Phone		
Case Status			If Case Cleared, How Cleared			Event Number			
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Except.			<input type="checkbox"/> Arrest <input type="checkbox"/> Directed To Prosecutor <input type="checkbox"/> Refused To Prosecute			<input type="checkbox"/> Station Adjustment <input type="checkbox"/> Other Excep.			
VICIC Number			Sent Date	Time	Canceled Date	Time	Operator	Evidence	Continued
Officer Signature			Unit No.	Supervisor Approving			Unit No.		

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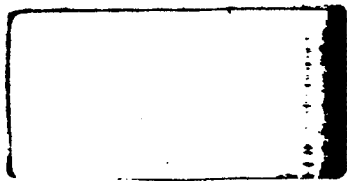
Report Number 94002765	Correct Offense Type Missing Person	Victim's Name Olinger, Melvin
Date of Report 1-24-94	Form Used For <input type="checkbox"/> Additional Public Information <input checked="" type="checkbox"/> Investigative Supplement	

car laughing. He threw the wallet to Kinley. Moore stated "I popped him in the dome. His fucking brains are all over the wall." Kinley stated he replied to Moore "Lets go get some 40's". Kinley, while looking thru Olingers wallet found a Jeannie card. Moore became upset when he relized he had killed Olinger before he had asked him for his Jeannie card number.

The interview was concluded at approximately 8:00 pm.

Sgt. Roberts, Det. Williamson, and Chief Al Schaffer of Mt. Healthy P.D. along with Larry Kinley went to 3366 Llewellyn and it was there we discovered the body of Melvin Olinger.

W-1 Witness	Code	Name/Clothing Description	Sex	Race	Age/D.O.B.	Height	Weight	Hair	Eyes	
	Address		Social Security No.		Home Phone	Other Phone				
Case Status			If Case Cleared, How Cleared			Station Adjustment				Other Excep.
<input type="checkbox"/> Cleared <input type="checkbox"/> Not Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared Except.			<input type="checkbox"/> Arrest <input type="checkbox"/> Directed To Prosecutor <input type="checkbox"/> Refused To Prosecute			<input type="checkbox"/> Station Adjustment <input type="checkbox"/> Other Excep.				
APR/CIC Number			Sent Date	Time	Cancel Date	Time	Operator	Evidence	Continued	
Signature			Unit No.	Supervisor Approving				Unit No.		



HOLMES/KINNLEY TRA.

008677

II. CORRESPONDENCE --

008678

HAMILTON COUNTY COMMON PLEAS COURT
ROOM 315, HAMILTON COUNTY COURTHOUSE
1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 20TH DAY OF
OCTOBER, 1995, IMAGE NUMBER 14

ENTRY
EXTENDING PAGE LIMITATION

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gill
JAMES CASSIDY
CLERK OF COURTS

CASE NO. 00-00000
STATE OF OHIO
- V S -
LEE EDWARD MOORE

TIMOTHY T DEARDORFF
2368 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

and

|||||

008679

1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE TWO DAY OF
OCTOBER, 1995. IMAGE NUMBER 18.

ENTRY GRANTING EXTENSION OF
TIME TO FILE APPELLEE'S
BRIEF UNTIL
11/30/95

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW
Deputy: David P. Gilb
JAMES CISELL
CLERK OF COURTS

Case No. C 95-00009
STATE OF OHIO
- v s -
LEE EDWARD MOORE

TIMOTHY J DEARDORFF

2368 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

|||||

008680

HAMILTON COUNTY COMMON PLEAS COURT
ROOM 315, HAMILTON COUNTY COURTHOUSE
1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 25TH DAY OF
JANUARY, 1995, IMAGE NUMBER 79.

REGULAR SCHEDULING ORDER
03/20/95 RECORD DUE.
08 06/20/95 APPELLANT'S BRIEF DUE
09/20/95 APPELLEE'S BRIEF DUE

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gilb
JAMES CISSELL
CLERK OF COURTS

Case No. C 95-00009
STATE OF OHIO
- v s -
LEE EDWARD MOORE

TIMOTHY J DEARDORFF

2368 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

008681

APPEAR IN COURT TO ANSWER TO THE
HONORABLE JUDGE OF THE
HONORABLE JUDGE
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 50(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 10TH DAY OF
JANUARY, 1996, IMAGE NUMBER 16

ENTRY GRANTING EXTENSION OF
TIME TO FILE REPLY BRIEF UNTIL
01/10/96

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Respectfully,
JAMES CISELL
CLERK OF COURTS

CASE NO. 00-95-00004
STATE OF OHIO
- v -
LEE EDWARD MOORE

TIMOTHY J. DEARDORFF

2008 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

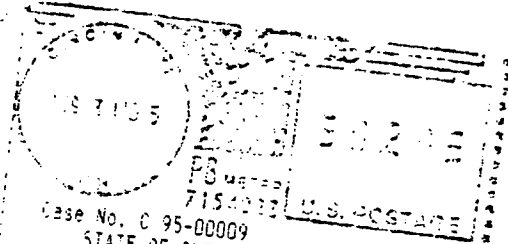
008682

HAMILTON COUNTY COMMON PLEAS COURT
ROOM 115, HAMILTON COUNTY COURTHOUSE
1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 25TH DAY OF
AUGUST, 1995, IMAGE NUMBER 23.

ENTRY GRANTING EXTENSION OF
TIME TO FILE APPELLANT'S
BRIEF UNTIL
09/10/95 THIS EXTENSION FINAL

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gills
JAMES CISELL
CLERK OF COURTS



Case No. C 95-00009
STATE OF OHIO
- v -
LEE EDWARD MOORE

TIMOTHY J DEARDORFF
2368 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

008683

HAMILTON COUNTY COMMON PLEAS COURT
ROOM 315, HAMILTON COUNTY COURTHOUSE
1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 12TH DAY OF
JANUARY, 1996. IMAGE NUMBER 6.

ENTRY GRANTING
MOTION TO FILE REPLY BRIEF
EXCEEDING PAGE LIMIT AND
SETTING ASIDE ENTRY OF 1/13/96

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gilb
JAMES CISSELL
CLERK OF COURTS

Case No. C 95-00009
STATE OF OHIO

- v s -
LEE EDWARD MOORE

TIMOTHY J DEARDORFF

2368 VICTORY PKWY
SUITE 300
CINCINNATI OH 45206

008684

CANTINGTON COUNTY COMMON PLACES COURT
ROOM 215, CANTINGTON COUNTY COURTHOUSE
1000 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30.4(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 14th DAY OF
OCTOBER, 1995, PAGE NUMBER 11.

ENTRY GRANTING EXTENSION OF
TIME TO FILE APPLICATION
BRIEF UNTIL
12/19/95

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gilb
JAMES GISSSELL
CLERK OF COURTS

Page No. 7 95-20000

STATE OF OHIO

- v -

REF ID: A66000

TIMOTHY J DEARDORFF

DEAR VICTORY PRUDY

29175 2000

CONTINUATION SHEET

Abstract

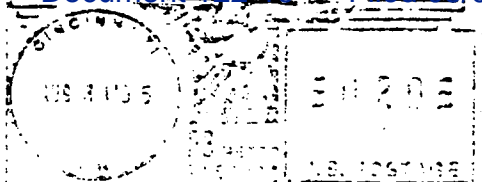
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HAMILTON COUNTY COMMON PLEAS COURT
ROOM 215, HAMILTON COUNTY COURTHOUSE
1800 MAIN STREET
CINCINNATI, OHIO 45202

IN ACCORDANCE WITH APPELLATE RULE 30(A),
YOU ARE HEREBY GIVEN NOTICE THAT THE
FOLLOWING ORDER OR JUDGMENT HAS BEEN
JOURNALIZED ON THE 15TH DAY OF
AUGUST, 1995. IMAGE NUMBER 23.

ENTRY GRANTING EXTENSION OF
TIME TO FILE APPELLANT'S
BRIEF UNTIL
09/20/95 THIS EXTENSION FINAL

NOTICE IS SENT BY ORDINARY MAIL TO
ALL PARTIES REQUIRED BY LAW.
Deputy: David P. Gilds
JAMES CISELL
CLERK OF COURTS



Case No. C 95-00009
STATE OF OHIO
- V S -
LEE EDWARD MOORE

TIMOTHY J DEARDORFF

2362 VICTORY PKWY
SUITE 300
CINCINNATI OH 45266

008086

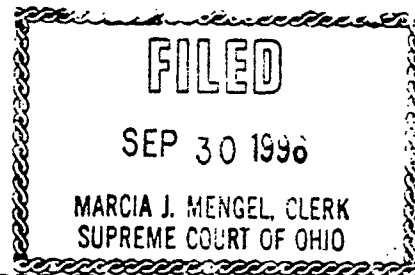
IN THE SUPREME COURT OF OHIO

96-2204

STATE OF OHIO,	:	On Appeal from the
	:	Hamilton County
Appellee,	:	Court of Appeals,
	:	First Appellate District
v.	:	
LEE EDWARD MOORE, JR.,	:	Court of Appeals
	:	Case No. C-950009
Appellant.	:	
	:	

NOTICE OF APPEAL
OF APPELLANT LEE EDWARD MOORE, JR.

Timothy J. Deardorff (0006308)
DEARDORFF & ASSOCIATES
2368 Victory Parkway, Suite 300
Cincinnati, Ohio 45206
(513) 872-7900
FAX: (513) 281-6760



COUNSEL FOR APPELLANT, LEE EDWARD MOORE, JR.

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PROSECUTING ATTORNEY
L. Susan Laker (0015494)
ASSISTANT PROSECUTING ATTORNEY
914 Main Street, Suite 500
Cincinnati, Ohio 45202
(513) 632-8828

COUNSEL FOR APPELLEE, STATE OF OHIO

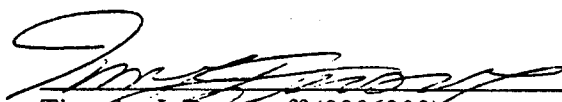
DEARDORFF
& ASSOCIATES L.P.A.
2368 Victory Parkway
Suite 300
Cincinnati, Ohio 45206
(513) 872-7900
FAX (513) 281-6760

008087

NOTICE OF APPEAL OF APPELLANT LEE EDWARD MOORE, JR.

Appellant Lee Edward Moore, Jr. hereby give notice of his appeal to the Supreme Court of Ohio, from a decision affirming his conviction and death sentence by the Hamilton County Court of Appeals, First Appellate District, journalized in Hamilton County case number C-950009 on June 26, 1996. Pursuant to S. Ct. Prac. R. II, § 2, this appeal involves an affirmance of the death penalty and is an appeal of right.

Respectfully submitted,



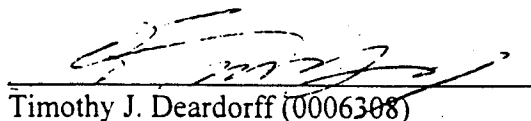
Timothy J. Deardorff (0006308)
DEARDORFF & ASSOCIATES
2368 Victory Parkway, Suite 300
Cincinnati, Ohio 45206
(513) 872-7900
FAX: (513) 281-6760

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this Notice of Appeal was served upon L. Susan Laker, Assistant Hamilton County Prosecutor, at 914 Main Street, Suite 500, Cincinnati, Ohio 45202 by regular United States mail on the ~~28th~~ day of ~~August~~, 1996.

24 Sept

DEARDORFF
& ASSOCIATES L.P.A.
2368 Victory Parkway
Suite 300
Cincinnati, Ohio 45206
(513) 872-7900
FAX (513) 281-6760



Timothy J. Deardorff (0006308)

008083

ALTERNATE JUROR

To the alternate juror, I now say: you were selected to serve in the event some misfortune might occur to a member of the regular jury panel. Up to this point, fortunately, it has not been necessary for you to replace a member of the regular jury panel. Now that the regular panel is about to retire and commence deliberations on the issues of guilt or innocence, you are going to be taken to a separate room where you will remain while the regular jury panel is deliberating.

While you are awaiting the decision of the regular panel, you are not to discuss this case with anyone. Before any verdicts are read in open court, you will be given an opportunity to examine the same exhibits which the regular jury panel is permitted to consider in its deliberations.

Please keep in mind that your services in this case are not yet ended and may still be required. Therefore, all of the instructions which have been given to you since the commencement of this trial up to and including those given at this time must be carefully and completely obeyed.

The defendant, Lee Moore, is charged in Specification No. One to Count No. Three with committing the offense of Aggravated Murder in Count No. Three for the purpose of escaping detection or apprehension or trial or punishment for another crime committed by him, to wit: Aggravated Robbery.

I have previously defined Aggravated Murder, Aggravated Robbery and Purpose.

If you find that the State proved beyond a reasonable doubt all the essential elements of the aggravated circumstance contained in Specification No. One to Count No. Three, your finding must be guilty as to Specification No. One to Count No. Three.

However, if you find that the State failed to prove any one of the essential elements of the aggravating circumstance contained in Specification No. One to Count No. Three, your finding must be not guilty as to Specification No. One to Count No. Three.

SPECIFICATION NO. TWO TO COUNT NO. THREE

(Aggravated Murder During Specific Felony)

The defendant, Lee Moore, is charged in Specification No. Two to Count No. Three with committing the Aggravated Murder of Melvin Olinger in Count No. Three, while the said Lee Moore, was committing, attempting to commit, or fleeing immediately after committing or attempting to commit the offense of